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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,738	02/20/2004	Su-Yuan Chang	BHT-3111-415	3642

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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

RUSSELL, WANDA Z

ART UNIT	PAPER NUMBER
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2616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/781,738	Applicant(s) CHANG ET AL.	
	Examiner Wanda Z. Russell	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1014 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 092135481.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7, 8-10, 13, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (WO 03/036889), in view of Sugaya et al. (Pub No. US 2002/0049040).

For **claim 1**, Johnston substantially teaches a method ([07], line 1) capable of indicating a communication quality (Title) and being used in a network transmission system (Fig. 1) having at least a first station ([09], line 2, or near end station, [07], line 2) and a second station ([09], line 4, or far end station, [07], line 2), comprising the steps of:

determining ([07], line 3) the communication quality of the network transmission system according to a data ([01], line 2) transmitted from the first station to the second station ([07], lines 3-4).

However, Johnston fails to specifically teach indicating the communication quality at the second station.

Sugaya et al. teach indicating the communication quality at the second station (when the receiving station confirms a transmission quality, [0091], lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al. to obtain the invention as specified, for providing the quality check not only at the transmitting station as usual, but also at the receiving station (second station, or far end station).

For **claim 2**, Johnston and Sugaya et al. substantially teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the communication quality is indicated at the second station using a video signal (visual, [06], line 2; LED and a pop-up menu, [56], lines 1-2, and [57], lines 1-2).

For **claim 3**, Johnston and Sugaya et al. substantially teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the communication quality is indicated at the second station using an audio signal ([06], line 2).

For **claim 4**, Johnston and Sugaya et al. substantially teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1 further comprising a step of: issuing a signal to inform users if the communication quality falls below a threshold ([57], line 3).

For **claim 7**, Johnston and Sugaya et al. substantially teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the data comprises a plurality of packets enabling the second station to be able to evaluate the communication quality between the first and second stations according to the amount of the packets (the number of packets lost, [45], line 9 & lines 8-9).

For **claims 8-10**, they are system claim corresponding to method claim 1-3 respectively, therefore they are rejected for the same reason above.

For **claim 13**, it is a system claim corresponding to method claim 4, therefore it is rejected for the same reason above.

For **claim 14**, it is a system claim corresponding to method claim 7, therefore it is rejected for the same reason above.

3. **Claims 5, and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (WO 03/036889), in view of Sugaya et al. (Pub No. US 2002/0049040), and Bartas (Pub No. US 2005/0060535).

For **claim 5**, Johnston and Sugaya et al. substantially teach everything claimed as applied above (see claim 1).

However, they fail to specifically teach that the network transmission system further comprises a server capable of interrupting a data transmission between the first and second stations basing on the communication quality.

Bartas teaches the method of claim 1, wherein the network transmission system further comprises a server ([0009], line 7) capable of interrupting ([0013], lines 13-14. Although it is for protecting data from virus, the process is the same as for quality) a data transmission between the first and second stations basing on the communication quality.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al. and Bartas to

obtain the invention as specified, for the server to provide interruption service basing on the communication quality.

For **claim 11**, it is a system claim corresponding to method claim 5, therefore it is rejected for the same reason above.

4. **Claims 6, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (WO 03/036889), in view of Sugaya et al. (Pub No. US 2002/0049040), Bartas (Pub No. US 2005/0060535), and Nakayama et al. (U.S. Patent 4,587,516).

For **claim 6**, Johnston, Sugaya et al., and Bartas substantially teach everything claimed as applied above (see claim 1 and 5).

However, they fail to specifically teach that the server is capable of recording the communication quality for future reference and inquiry.

Nakayama et al. teach the method of claim 5, wherein the server is capable of recording the communication quality for future reference and inquiry (col. 3, lines 35-36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al., Bartas, and Nakayama et al. to obtain the invention as specified, for future reference and inquiry.

For **claim 12**, it is a system claim corresponding to method claim 6, therefore it is rejected for the same reason above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda Z. Russell whose telephone number is (571)

Art Unit: 2616

270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WZR



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